

no further questions I should like to suggest the absence of a quorum.

I now suggest the absence of a quorum.

THE ACTING PRESIDENT PRO TEMPORE: ⁽¹³⁾ The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names: . . .

THE ACTING PRESIDENT PRO TEMPORE: A quorum is not present.

MR. MANSFIELD: Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

MR. [JOHN J.] WILLIAMS [of Delaware]: Mr. President, I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

RECESS TO 10 A.M. MONDAY NEXT

MR. MANSFIELD: Mr. President, a parliamentary inquiry.

THE ACTING PRESIDENT PRO TEMPORE: The Senator from Montana will state it.

MR. MANSFIELD: Is it in order at this time to move that the Senate stand in recess under the order previously entered?

THE ACTING PRESIDENT PRO TEMPORE: The rollcall has not started; and such a motion would be in order.

MR. MANSFIELD: Mr. President, if I may be heard in relation to my parliamentary request, I am afraid we are face to face with a travesty on the legislative process. I am doubtful—and I am indeed sorry to say this—that we will be able to get a quorum in the Senate today.

I believe it is a shame and an indignity upon this institution.

13. Lee Metcalf (Mont.).

In order to prevent this situation from turning into a farce, I move, under the previous order, that the Senate now stand in recess until Monday morning next at 10 o'clock.

MR. WILLIAMS of Delaware: Mr. President, I ask for the yeas and nays on that motion.

The yeas and nays were ordered. . . .

The result was announced—yeas 27, nays 14, as follows: . . .

So Mr. Mansfield's motion was agreed to; and (at 11 o'clock and 41 minutes a.m.) the Senate took a recess under the order entered on Wednesday, April 1, 1964, until Monday, April 6, 1964, at 10 a.m.

This recess was taken pursuant to an order entered on Apr. 1, 1964, as follows: ⁽¹⁴⁾

MR. [HUBERT H.] HUMPHREY [of Minnesota]: Mr. President, I ask unanimous consent that when the Senate completes its business on Saturday, it stand in recess until 10 a.m. on Monday.

THE PRESIDING OFFICER: ⁽¹⁵⁾ Without objection, it is so ordered.

§ 11. As Related to the Journal

Rule I clause 1 ⁽¹⁶⁾ directs the Speaker to examine the Journal of

14. 110 CONG. REC. 6746, 88th Cong. 2d Sess.

15. Daniel B. Brewster (Md.).

16. *House Rules and Manual* §621 (1979).

the preceding legislative day and announce his approval thereof to the House. His approval is subject to ratification by the House, and, when demanded, this question is put to the House and is subject to a vote. One fifth of those present may demand the constitutional yeas and nays or an “automatic” yea and nay vote under Rule XV clause 4 may result if a quorum is not present.⁽¹⁷⁾

Provisions of the rules adopted in and subsequent to the 93d Congress will be discussed in detail in supplements to this edition. Changes in the 93d Congress provided that after the presence of a quorum is once ascertained, a point of order that a quorum is not present could not be made or entertained during the reading of the Journal, and Rule I clause I was amended in the 96th Congress to delete the requirement for the appearance of a quorum before approval of the Journal.

In General

§ 11.1 The Speaker having announced his approval of the Journal under Rule I clause 1,⁽¹⁸⁾ a Member may cause an

17. See § 11.5, *infra*.

18. See *House Rules and Manual* § 621 (1979).

automatic roll call to be taken on the question of approval of the Journal by the House.

On Oct. 14, 1972,⁽¹⁹⁾ an automatic call of the House was taken on the question of approval of the Journal.⁽²⁰⁾

THE SPEAKER:⁽¹⁾ The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Speaker, I object.

THE SPEAKER: The question is on the approval of the Journal of the last day's proceedings.

The question was taken, and the Speaker announced that the ayes appeared to have it.

MR. ECKHARDT: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 248, nays 3, not voting 180, as follows: . . .

19. 118 CONG. REC. 36361, 36362, 92d Cong. 2d Sess.

20. See also 117 CONG. REC. 28331, 28332, 92d Cong. 1st Sess., July 30, 1971, for another illustration of this principle.

1. Carl Albert (Okla.).

So the Journal of the last day's proceedings was approved.

§ 11.2 Under earlier rules permitting such procedure, the House has adjourned before the Journal was read, pending a point of order that a quorum was not present.

On Dec. 7, 1963,⁽²⁾ the House adjourned before the Journal was read.

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer: . . .

MR. [WILLIAM K.] VAN PELT [of Wisconsin]: Mr. Speaker, I make the point of order that a quorum is not present. . . .

MR. [JOHN E.] MOSS [Jr., of California]: Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 2 minutes p.m.) the House adjourned until Monday, December 9, 1963, at 12 o'clock noon. order

Parliamentarian's Note: Rule XXIV clause 1,⁽³⁾ which prescribes the order of business, provides that business on the Speaker's table is not disposed of until the Journal has been read and approved. Executive communications on the Speaker's table on this oc-

casion were held and referred on Dec. 9, 1963.

The House met on Saturday, Dec. 7, because the leadership had been informed that objection would be raised against any unanimous-consent request that the House adjourn from Friday to Monday. Meeting on Saturday fulfilled the "seven legislative days" requirement of Rule XXVII clause 4,⁽⁴⁾ and made possible the filing of a discharge petition against House Resolution 574 (providing for consideration of H.R. 7152, the Civil Rights Act of 1963) on Monday, Dec. 9.

Reading and Approval of the Journal

§ 11.3 The roll has been called to ascertain a quorum prior to reading the Journal.

On Apr. 26, 1948,⁽⁵⁾ a call of the House was ordered, before the Journal was read.

THE SPEAKER:⁽⁶⁾ The Clerk will read the Journal.

MR. [ELLSWORTH B.] BUCK [of New York]: A point of order, Mr. Speaker. I make the point of order that a quorum is not present.

THE SPEAKER: Will the gentleman withhold his point of order until after the Journal is read?

2. 109 CONG. REC. 23751, 23752, 88th Cong. 1st Sess.

3. See *House Rules and Manual* § 878 (1979).

4. See *House Rules and Manual* § 908 (1979).

5. 94 CONG. REC. 4834, 80th Cong. 2d Sess.

6. Joseph W. Martin, Jr. (Mass.).

MR. BUCK: I regret that I must insist on my point of order. Mr. Speaker.

THE SPEAKER: Will the gentleman withhold his point of order so that the Chair may swear in a new Member?

MR. BUCK: Yes, Mr. Speaker.

COMMUNICATION FROM THE CLERK OF
THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House:

April 24, 1948.

The Honorable the SPEAKER,
House of Representatives.

SIR: A certificate of election in due form of law showing the election of Hon. John Albert Whitaker as a Representative-elect to the Eightieth Congress from the Second Congressional District of the State of Kentucky, to fill the vacancy caused by the resignation of Hon. Earle C. Clements, is on file in this office.

Very truly yours,

JOHN ANDREWS,
*Clerk of the
House of Representatives.*

SWEARING IN OF MEMBER

Mr. [John A.] Whitaker [of Kentucky] appeared at the bar of the House and took the oath of office.

CALL OF THE HOUSE

MR. BUCK: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: Obviously a quorum is not present.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER: On this roll call, 351 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The Journal of the proceedings of Thursday, April 22, 1948, was read and approved.

§ 11.4 A quorum call prior to the reading of the Journal, and another quorum call during its reading in full, delayed further consideration of a bill.

On Mar. 26, 1965,⁽⁷⁾ a day scheduled for further consideration of H.R. 2362, the Elementary and Secondary Education Act of 1965, quorum calls were raised both before and during the reading of the Journal.⁽⁸⁾

THE SPEAKER: ⁽⁹⁾ The Clerk will read the Journal of the proceedings of yesterday.

CALL OF THE HOUSE

MR. [CHARLES E.] GOODELL [of New York]: Mr. Speaker, I make the point of order that a quorum is not present.

7. 111 CONG. REC. 6093-95, 89th Cong. 1st Sess.

8. Rule XV clause 6(c)(1), [*House Rules and Manual* §774c (1979)] adopted on Apr. 9, 1974, providing that after the presence of a quorum is once ascertained a further point of no quorum may not be entertained during the reading of the Journal, will be discussed in detail in supplements to this edition as they appear.

9. John W. McCormack (Mass.).

THE SPEAKER: The gentleman from New York makes the point of order before the Journal is read?

MR. GOODELL: I do, Mr. Speaker.

THE SPEAKER: The gentleman from New York makes the point of order that a quorum is not present. Evidently a quorum is not present.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER: On this rollcall 416 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The Clerk proceeded to read the Journal of the proceedings of yesterday.

MR. GLENN ANDREWS [of Alabama] (interrupting the reading of the Journal): Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: The Chair will count. (After counting) 222 Members are present, a quorum.

The Clerk will continue the reading of the Journal.

The Clerk proceeded to read the Journal.

CALL OF THE HOUSE

MR. GLENN ANDREWS (interrupting reading of the Journal): Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

MR. ALBERT: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER: On this rollcall 397 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

§ 11.5 After 33 calls of the House had delayed the reading and approval of the Journal, the House ordered the doors to the Chamber locked during a call of the House and ordered that they remain locked until disposition of pending business, the reading and approval of the Journal.

The proceedings of the legislative day of Oct. 8, 1968, are shown elsewhere (see § 6.5, *supra*).

§ 11.6 Parliamentarian's Note: Only the names of the Members who failed to respond on a quorum call were spread on the Journal and read in full when demand was made.

The proceedings which took place on Sept. 13, 1965,⁽¹⁰⁾ illustrate the procedures followed

10. 111 CONG. REC. 23598, 89th Cong. 1st Sess.

when demand was made that the Journal be read in full.⁽¹¹⁾

Receipt of Messages

§ 11.7 A point of no quorum was made during the reading of the Journal and, at the request of the Chair, was withheld to permit the reception of a message from the Senate.

On Aug. 27, 1962,⁽¹²⁾ a point of no quorum was withheld to permit receipt of a message from the Senate.⁽¹⁾

THE JOURNAL

THE SPEAKER:⁽²⁾ The Clerk will read the Journal of the last day's proceedings.

The Clerk read as follows:

Journal of the proceedings of Thursday, August 23, 1962.

MR. [JOHN BELL] WILLIAMS [of Mississippi] (interrupting the reading of the Journal): Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: Will the gentleman withhold the point of order to permit the Chair to receive a message?

11. For the current practice as to the reading of the Journal, see Ch. 5, *supra*.
12. 108 CONG. REC. 17651, 17652, 87th Cong. 2d Sess.
1. See also 108 CONG. REC. 19940, 87th Cong. 2d Sess., Sept. 19, 1962, for another illustration of this principle.
2. John W. McCormack (Mass.).

MR. WILLIAMS: I withhold the point of order. . . .

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2446. An act to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce. . . .

THE SPEAKER: The gentleman from Mississippi makes the point of order that a quorum is not present.

Evidently a quorum is not present.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

§ 11.8 Following completion of a call of the House, the Speaker received a message from the President before ordering the Clerk to resume reading the Journal.

On Aug. 27, 1962,⁽³⁾ Speaker John W. McCormack, of Massachusetts, permitted receipt of a Presidential message following completion of a call of the House and prior to resumption of reading of the Journal.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that further proceedings under the call of the House be dispensed with. . . .

3. 108 CONG. REC. 17653, 87th Cong. 2d Sess.

THE SPEAKER: . . . The question is on the motion to dispense with further proceedings under the call.

The question was taken. . . .

MR. [JOHN BELL] WILLIAMS [of Mississippi]: Mr. Speaker, I demand a division.

The House divided and there were—ayes 146, noes 19.

MR. WILLIAMS: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On August 20, 1962:

H.R. 12547. An act to amend the act of August 7, 1946, relating to the District of Columbia hospital center, to extend the time during which appropriations may be made for the purposes of that act. . . .

THE SPEAKER: The Clerk will proceed with the reading of the Journal.

The Clerk continued the reading of the Journal.

Refusal of Point of No Quorum

§ 11.9 Although a point of no quorum may interrupt the reading of the Journal, the Speaker has refused to entertain a point of no quorum where a quorum has just

been established by a call of the House and where no further business has been transacted.

On Jan. 22, 1971,⁽⁴⁾ Speaker Carl Albert, of Oklahoma, refused to entertain a point of no quorum.

MR. [DONALD W.] RIEGLE [Jr., of Michigan]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

MR. CHARLES H. WILSON [of California]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER: On this rollcall 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

THE SPEAKER: The Clerk will proceed with the reading of the Journal.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: A quorum has just been established. There has been no business transacted.

The Clerk will proceed with the reading of the Journal.

4. 117 CONG. REC. 131, 92d Cong. 1st Sess.